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ACTION WHA-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	A-00	CIAE-00	INL-00
	DODE-00	DOEE-00	SRPP-00	DS-00	EB-00	EUR-00	VC-00
	OBO-00	H-00	TEDE-00	INR-00	IO-00	LAB-01	L-00
	VCE-00	AC-00	NRRC-00	NSAE-00	OIC-00	PA-00	PM-00
	PRS-00	ACE-00	P-00	FMPC-00	SP-00	SSO-00	STR-00
	TRSE-00	USIE-00	PMB-00	DSCC-00	PRM-00	DRL-00	G-00
	NFAT-00	SAS-00	/001W				

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O 132209Z MAY 04  
 FM AMEMBASSY CARACAS  
 TO SECSTATE WASHDC IMMEDIATE 6279  
 INFO AMEMBASSY BOGOTA PRIORITY  
 AMEMBASSY BRASILIA PRIORITY  
 AMEMBASSY LA PAZ PRIORITY  
 AMEMBASSY LIMA PRIORITY  
 AMEMBASSY QUITO PRIORITY  
 AMEMBASSY LISBON PRIORITY  
 AMEMBASSY MADRID PRIORITY  
 AMEMBASSY SANTIAGO PRIORITY  
 AMEMBASSY MEXICO PRIORITY  
 NSC WASHDC PRIORITY  
 USCINCSO MIAMI FL PRIORITY  
 USINT HAVANA PRIORITY

RELEASED IN PART  
 B1, 1.4(D)

C O N F I D E N T I A L CARACAS 001656

NSC FOR CBARTON  
 USCINCSO ALSO FOR POLAD  
 STATE PASS USAID FOR DCHA/OTI

E.O. 12958: DECL: 05/04/2014  
 TAGS: PGOV, PHUM, KDEM, VE  
 SUBJECT: CNE SHOWDOWN WITH OAS AND CARTER CENTER

REF: A. CARACAS 1542  
 B. CARACAS 1507  
 C. CARACAS 1346

Classified By: Abelardo A. Arias, Political Counselor, for Reasons 1.4(  
 b) and (d).

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 Summary  
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1. (C) National Electoral Council (CNE) President Francisco  
 Carrasquero issued an ultimatum to the OAS and The Carter

UNITED STATES DEPARTMENT OF STATE  
 CLASSIFIED BY DEPT. OF STATE, L. R. LOHMAN, DAS, A/RPS  
 REVIEW AUTHORITY: JOHN L MILLS  
 CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)  
 DECLASSIFY AFTER: 12 MAY 2029  
 DATE/CASE ID: 02 NOV 2005 200304736

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Center (TCC) to either retract their statement of May 12 or the CNE would reconsider the OAS/TCC observation mission of the recall referendum against President Hugo Chavez. The May 12 statement rejected the GOV's position that people who signed the recall petition against President Hugo Chavez may withdraw their names if they change their minds. The OAS/TCC responded May 13 recognizing that the political actors had agreed on the point even though it went beyond the CNE norms.

Debate at the CNE continues, meanwhile, as rules are worked out for the verification of identity documents at the appeals centers and for the count of the results. The CNE has printed the registers for the appeals ("cuadernos") and will make them available to the political actors and international observers for review.

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2. (U) National Electoral Council (CNE) President Francisco Carrasquero demanded on May 13 that the OAS and the Carter Center (TCC) retract a statement made on May 12 regarding norms for the May 27-31 signature appeals process. Carrasquero said that by emitting publicly an opinion on the CNE's norms, the international observers violated the November 2003 agreement with the CNE. If the OAS/TCC did not apologize or clarify their position, he said, the CNE would reconsider the continuation of the international observer missions. Minutes earlier, CNE Director Jorge Rodriguez (pro-GOV) accused the OAS/TCC of siding with the opposition and said he would no longer meet with OAS/TCC representatives until they apologized. Rodriguez left the future of the missions open, saying he preferred that the OAS/TCC remain in the country because "the CNE has nothing to hide."

3. (C) The blow-up centers on whether signers of the recall petition against Chavez may "repent" and withdraw their signatures during the appeals period. In the May 12 statement, the OAS/TCC said that CNE norms and international standards dictated that the act of signing, like that of voting, is a unique expression of will and cannot be changed during the appeals process. CNE rules issued in September said that names could be withdrawn from the petition only if the person claimed that he or she had not actually signed. Chavez supporters  maintain that anyone who changed his mind could remove his signature.

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OAS/TCC Makes Up  
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4. (U) The OAS/TCC issued a new statement on May 13 responding to the CNE's demands for an apology. The statement "clarified" the position of the international observers that they continue to support the literal translation of the rules -- that only those whose identities were usurped may withdraw. OAS/TCC added, however, that they recognized that the political actors had agreed with the CNE that to avoid new procedures, "the simple manifestation of the person's desire was sufficient" to include or exclude them from the lists.

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Technical Issues Debate Continues  
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5. (U) The CNE continues to prepare for the two appeals process (opposition deputies May 20-24 and the presidential May 27-31). The role of poll workers remains in dispute. For example, the CNE's legal counsel Andres Brito again circulated a draft instruction May 11 that reportedly would allow poll workers at the appeals centers to reject an appeal if they could not verify the identity of the person making the appeal. The opposition had objected to an earlier instruction granting poll workers this authority due to concerns that it could be abused to refuse appeals arbitrarily. (Note: It has been a common practice within the CNE to leak draft rules that disadvantage the opposition. In the past these have been opening negotiating positions that the opposition has had to walk back.)

6. (U) The CNE is also scheduled to discuss a resolution spelling out the verification procedure for the appeals process. Chavez opponents had complained that the CNE's rules could permit hundreds of appeals to be invalidated through alleged errors in the daily tally sheets ("actas"). Jorge Rodriguez denied the accusations, saying that any errors in the tally sheets would be resolved by consulting the registers ("cuadernos") where the appeals are recorded. (Note: The CNE denied about 150,000 signatures during the first verification process for errors in the tally sheets.)

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7. (U) The 6000-plus registers for the appeals were ready as of May 12, Rodriguez announced. The registers correspond to specific appeals center; each table in the centers will receive one register for those want to reaffirm their signature and one for those who want to withdraw their signatures. The NGO Sumate raised a red flag noting that the registers must be audited before being sent to appeals centers to ensure they match the data the CNE provided to the Coordinadora Democratica (CD). Rodriguez said May 12 that the CD, the pro-Chavez Comando Ayacucho, and the international observers would be allowed on May 13 to take a statistical sample of the registers to assure their accuracy.

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Comment  
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